

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6907**

**BILL NUMBER:** HB 1140

**NOTE PREPARED:** Jan 29, 2008

**BILL AMENDED:** Jan 24, 2008

**SUBJECT:** Coverage for Prosthetic Devices.

**FIRST AUTHOR:** Rep. Murphy

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill requires certain coverage for, and prohibits a lifetime limitation of coverage for, medically necessary orthotic or prosthetic devices under a state employee health benefit plan, a policy of accident and sickness insurance, and a health maintenance organization contract.

**Effective Date:** July 1, 2008.

**Explanation of State Expenditures:** (Revised) The bill provides that coverage for a prosthetic device or an orthotic device may not be subject to lifetime (1) dollar limits or other coverage limitations for medically necessary devices; or (2) deductibles, copayments, or coinsurance provisions for medically necessary devices that are less favorable to a covered individual than those applying to other coverage generally under the state employee health benefit plan. Currently, maximums for prosthetics are administered on a calendar year basis. Providing for orthotics that coverage may not be subject to lifetime limits could result in increased premiums which insurers may pass on to the state. (Additional information will be provided when it becomes available.)

If the provision results in increases in costs, any increases may not necessarily imply additional budgetary outlays since the state's response to increased health benefit costs may include (1) increased employee cost-sharing in health benefits; (2) reduction of other health benefits; and (3) passing the costs onto workers in the form of lower wage increases than would otherwise occur. It is unknown at this time the extent to which the state would pass any increases in costs on to employees.

**Background.** In 2008, Anthem and Welborn will provide insurance coverage for state employees. Both Anthem and Welborn currently cover prosthetic devices.

In standard Anthem contracts, prosthetics are defined as artificial substitutes for body parts and tissues and materials inserted into tissue for functional or therapeutic purposes. Covered services include purchase, fitting, needed adjustment, repairs, and replacements of prosthetic devices and supplies that do the following:

1. Replace all or part of a missing body part and its adjoining tissues; or
2. Replace all or part of the function of a permanently useless or malfunctioning body part.

Prosthetic devices must be purchased and not rented, and must be “medically necessary.” Applicable taxes, shipping and handling are also covered.

Covered Services may include, but are not limited to the following:

1. Aids and supports for defective parts of the body including but not limited to internal heart valves, mitral valve, internal pacemaker, pacemaker power sources, synthetic or homograft vascular replacements, fracture fixation devices internal to the body surface, replacements for injured or diseased bone and joint substances, mandibular reconstruction appliances, bone screws, plates, and vitallium heads for joint reconstruction.

2. Left Ventricular Artificial Devices (LVAD) (only when used as a bridge to a heart transplant).

3. Breast prosthesis whether internal or external, following a mastectomy, and four surgical bras per benefit period, as required by the Women’s Health and Cancer Rights Act. Maximums for prosthetic devices, if any, do not apply.

4. Replacements for all or part of absent parts of the body or extremities, such as artificial limbs, artificial eyes, etc.

6. Intraocular lens implantation for the treatment of cataract or aphakia. Contact lenses or glasses are often prescribed following lens implantation and are covered services. (If cataract extraction is performed, intraocular lenses are usually inserted during the same operative session). Eyeglasses (for example bifocals) including frames or contact lenses are covered when they replace the function of the human lens for conditions caused by cataract surgery or injury; the first pair of contact lenses or eyeglasses are covered. The donor lens inserted at the time of surgery are not considered contact lenses, and are not considered the first lens following surgery. If the injury is to one eye or if cataracts are removed from only one eye and the member selects eyeglasses and frames, then reimbursement for both lenses and frames are covered.

7. Cochlear implant.

8. Colostomy and other ostomy (surgical construction of an artificial opening) supplies directly related to ostomy care.

9. Restoration prosthesis (composite facial prosthesis)

10. Wigs (the first one following cancer treatment, not to exceed one per benefit period).

Non-covered prosthetic appliances include but are not limited to the following:

1. Dentures, replacing teeth or structures directly supporting teeth.

2. Dental appliances.

3. Such non-rigid appliances as elastic stockings, garter belts, arch supports and corsets.

4. Artificial heart implants.

5. Wigs (except as described above following cancer treatment).

6. Penile prosthesis in men suffering impotency resulting from disease or injury

Anthem would typically have a maximum benefit per period for all prosthetic devices received on an outpatient basis, which would not include surgical prosthetics of \$4,000 (combined Network and Non-

Network).

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Local government groups enrolled in the Local Unit Government Employees (LUG) health plan could experience an increase in costs for 2008. LUG participants have the same benefits as state employees, but are part of a separate risk pool. Currently, 38 local units participate in LUG with 232 covered lives.

School corporations and local governments purchasing health benefit coverage on their own could see an increase in premiums. The specific impact is indeterminable, but would depend on current health care coverage. The extent to which local units would pass these costs on to employees is unknown, as cost sharing of health benefit premiums varies widely by locality.

**Explanation of Local Revenues:**

**State Agencies Affected:** All.

**Local Agencies Affected:** Local governments and school corporations.

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